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**AN ORDINANCE BY COUNCILMEMBER JENNIFER IDE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-18-016 (186 15<sup>TH</sup> STREET NE); TO PROVIDE THAT IN LIEU THEREOF CONSTRUCTING THE REQUIRED SIDEWALKS AT THE SUBDIVISION SITE, THE DEVELOPER OF SUBDIVISION SD-18-016 SHALL PAY \$6,488.27 (SIX THOUSAND FOUR-HUNDRED EIGHTY-EIGHT DOLLARS AND TWENTY-SEVEN CENTS) INTO THE DISTRICT 6 SIDEWALK FUND; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 15-09.003 of the City of Atlanta Code of Ordinances (“subdivision ordinance”) requires the subdivision applicant (“developer”) to provide sidewalks on both sides of existing and proposed streets (“sidewalk requirement”); and

**WHEREAS**, the subdivision ordinance further provides that by resolution, the city council may waive the sidewalk requirement “in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets”; and

**WHEREAS**, the subdivision ordinance further provides that such waiver can be granted by the city council “only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the city council has received formal comments on said petition from the commissioner of public works and commissioner of planning”; and

**WHEREAS**, the developer, Ralph and Rebecca Morrison, has formally petitioned for the waiver of the sidewalk requirement for subdivision application SD-18-016 (186 15<sup>th</sup> Street NE); and

**WHEREAS**, the neighborhood planning unit and the neighborhood the subdivision site lies within is supportive of money being paid into the District 6 sidewalk trust fund instead of the developer constructing sidewalks around the location of the subject subdivision; and

**WHEREAS**, the Planning Department has worked with the Department of Public Works to determine the exact linear feet of sidewalks that would be required and the cost to construct such which is \$6,488.27 (six-thousand four-hundred eighty-eight dollars and twenty-seven cents) (see Exhibit A); and

**WHEREAS**, based on there being no sidewalks in the area surrounding the subdivision site and the community's support for it to remain without sidewalks, the City Council finds that construction of sidewalks along the street frontage of SD-18-016 (186 15<sup>th</sup> Street NE) would not benefit said area being that there are no existing sidewalks to serve as a connection; and

**WHEREAS**, the City and area residents would be better served by the construction of sidewalks in other areas within District 6 that funds from the District 6 sidewalk trust fund would help fund.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES as follows:**

**SECTION 1:** The requirement of Section 15-09.003 of the City of Atlanta Code of Ordinance that sidewalks be provided on both sides of existing and proposed streets is hereby waived for Subdivision SD-18-016 (186 15<sup>th</sup> Street NE).

**SECTION 2:** The waiver of said requirement for the aforementioned application is conditioned upon the agreement of developer Ralph and Rebecca Morrison, or their successor(s)-in-interest, to pay \$6,488.27 (six-thousand four-hundred eighty-eight dollars and twenty-seven cents) into the District 6 sidewalk trust fund.

**SECTION 3:** Prior to approval of the final subdivision plat by the Director of the Office of Zoning & Development for SD-18-016, as provided by Sec. 15-07.005 (f)(1), the amount as described in this ordinance, shall be paid by the developer, Ralph and Rebecca Morrison, or their successor(s)-in-interest, into Trust Fund Account 7701 (Trust Fund) 250403 (PDC Planning) 3229005 (Sidewalk Waiver Fees Revenue) 7410000 (Planning & Zoning) ~~XXXXXX~~ (Council District 6 Sidewalk Waiver) ~~XXXXXX~~.

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**SECTION 4:** In the event the owner, Ralph and Rebecca Morrison, or their successor(s)-in-interest, withdraws the land subdivision request, this ordinance is void and of no further effect.

**SECTION 5:** All other requirements of the Code of Ordinances for SD-18-016 above shall remain in full force and effect.

**SECTION 6:** That all ordinances and parts of ordinances in conflict herewith be the same are hereby waived.